

United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

DENNIS JACOBS
CHIEF JUDGE

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

Date: January 7, 2015
Docket #: 14-2156cv
Short Title: Phillips v. City of New York

DC Docket #: 12-cv-98
DC Court: EDNY (Brooklyn)
DC Judge: Kuntz

VERIFIED ITEMIZED BILL OF COSTS

Counsel for
State defendants-appellees

respectfully submits, pursuant to FRAP 39 (c) the within bill of costs and requests the Clerk to prepare an itemized statement of costs taxed against the plaintiffs-appellants

and in favor of
State defendants-appellees

for insertion in the mandate.

Docketing Fee _____

Costs of printing appendix (necessary copies _____) _____

Costs of printing brief (necessary copies 7) \$154.80

Costs of printing reply brief (necessary copies _____) _____

(VERIFICATION HERE)

/s/ James Andrew Kent

Signature

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

NICOLE PHILLIPS, individually and on
behalf of B.P. and S.P., minors, DINA
CHECK, on behalf of minor M.C., FABIAN Docket No. 14-2156-cv
MENDOZA-VACA, individually and on behalf
of M.M. and V.M., minors,

Plaintiff-Appellants,

**VERIFICATION OF
ITEMIZED BILL OF COSTS**

-v.-

CITY OF NEW YORK, ERIC T.
SCHNEIDERMAN, in his official capacity as
Attorney General, State of New York, DR.
NIRAV R. SHAH, in his official capacity as
Commissioner, New York State Department of
Health, NEW YORK CITY DEPARTMENT
OF EDUCATION,

Defendants-Appellees.

Andrew Kent, an attorney admitted to practice before this Court,
affirms the following under penalty of perjury:

1. I am an Assistant Solicitor General in the office of Eric T.
Schneiderman, Attorney General of the State of New York, the attorney for
state defendants-appellees. I am familiar with the matters set forth in this
verification based on my review of this Office's policies and case file.

2. In an opinion issued January 7, 2015, this Court affirmed the
order of the District Court for the Eastern District of New York (Kuntz, J.)
which granted defendants' motions to dismiss.

3. I make this Verification in support of state defendants-appellees' Bill of Costs so that costs may be taxed against plaintiffs-appellants and in favor of state defendants-appellees for insertion in the mandate pursuant to Federal Rules of Appellate Procedure 39.

4. The costs set forth on the annexed Itemized and Verified Bill of Costs were necessarily incurred by state defendants-appellees in this appeal and are reasonable in amount.

5. The costs were calculated based on the rates listed in the attached memorandum from the Office of the Attorney General:

- a. reproduction costs: 20¢ per page
- b. binding: \$1 per document
- c. cover: \$75
- d. record preparation: \$150

6. Based on these rates, the cost to state defendants-appellees for reproduction of papers is \$154.80, calculated as follows:

Brief: **154.80** (52 pgs x 7* x 20¢ + 7 [binding] + 75 [cover])
 *7 copies based on 6 filed; 1 office copy

Total **154.80**

7. Therefore, total recoverable costs of \$154.80 should be taxed against plaintiff-appellants and in favor of state defendants-appellees for insertion in the mandate.

Dated: January 8, 2015
New York, NY

/s/ Andrew Kent
Andrew Kent
Senior Counsel



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

MEMORANDUM

TO: Barbara D. Underwood

FROM: Michael Lefebvre, Director, Budget and Fiscal Management

RE: Costs in Litigation and Reproduction Rates for Appellate Courts

DATE: March 22, 2011

A handwritten signature in black ink, appearing to read "Michael Lefebvre".

Whenever possible, bureaus should seek all costs as authorized by federal or state statute or rule, including docketing fees and reproduction of documents. The following rates for the reproduction of appellate papers apply when these costs are to be charged to or shared with an individual or firm outside the Department of Law.

1. When legal papers are reproduced by an outside commercial printer, we charge the actual costs (to the legally permitted maximum) as indicated on the payment voucher/invoice from the printer.
2. When reproduction is performed in our own printing units, we will charge as follows:

RATES FOR CALCULATION OF COSTS

	Rate	Notes
Per page charge for all documents	.20	motion papers, briefs, or records
Binding per document	1.00	e.g., thirteen copies of a brief = \$13
Cover	75.00	flat fee, including preparation of reproduction
Miscellaneous preparation fees		a flat fee per case that covers
2nd Circuit and Appellate Divisions	150.00	scanning and OCR conversion,
Court of Appeals	50.00	producing tables of contents, page headings (for state court cases)

This administrative memorandum supersedes the 1993 memoranda governing reproduction and preparation costs for legal printing or legal documents on appeal. Costs for reproduction of documents under the Freedom of Information Law are set under a separate memorandum.